

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: DIET DRUGS (Phentermine/ Fenfluramine/Dexfenfluramine) PRODUCTS LIABILITY LITIGATION	:	MDL DOCKET NO. 1203
THIS DOCUMENT RELATES TO:	:	
-----	:	
SYLVIA LAVERN ABNER	:	
v.	:	CIVIL ACTION NO. 04-20627
WYETH, et al.	:	
JO L. ADAMS	:	
v.	:	CIVIL ACTION NO. 04-20366
WYETH, et al.	:	
MARY LOUISE BAKER	:	
v.	:	CIVIL ACTION NO. 04-20435
WYETH, et al.	:	
LEE E. BELL	:	
v.	:	CIVIL ACTION NO. 04-20675
WYETH, et al.	:	
KAREN M. BLANCHARD	:	
v.	:	CIVIL ACTION NO. 04-20382
WYETH, et al.	:	
LARRY V. BRADLEY	:	
v.	:	CIVIL ACTION NO. 04-20337
WYETH, et al.	:	
VIOLET E. BROOKS	:	
v.	:	CIVIL ACTION NO. 03-20411
WYETH, et al.	:	
MARILYN B. BROUSSARD	:	
v.	:	CIVIL ACTION NO. 04-20356
WYETH, et al.	:	
BILLIE JEAN BRYANT	:	
v.	:	CIVIL ACTION NO. 04-20370
WYETH, et al.	:	
KATHY LYNN BURROW	:	
v.	:	CIVIL ACTION NO. 04-20689
WYETH, et al.	:	
MARY M. BUTLER	:	
v.	:	CIVIL ACTION NO. 04-20686
WYETH, et al.	:	
GILBERT MANUEL CADENA	:	
v.	:	CIVIL ACTION NO. 04-20350
WYETH, et al.	:	
DELORES A. CALVIN	:	
v.	:	CIVIL ACTION NO. 04-20349
WYETH, et al.	:	
DOUGLAS RAY CARTER	:	
v.	:	CIVIL ACTION NO. 04-20339
WYETH, et al.	:	
ELEANOR CASTILLO	:	
v.	:	CIVIL ACTION NO. 04-20674
WYETH, et al.	:	

LINDA D. CASTILLO	:	
v.	:	CIVIL ACTION NO. 04-20682
<u>WYETH, et al.</u>	:	
BETTY ANN COBB	:	
v.	:	CIVIL ACTION NO. 04-20319
<u>WYETH, et al.</u>	:	
JUDITH A. CODY	:	
v.	:	CIVIL ACTION NO. 04-20628
<u>WYETH, et al.</u>	:	
PATRICIA A. COLE	:	
v.	:	CIVIL ACTION NO. 04-20358
<u>WYETH, et al.</u>	:	
PAULA COLLINS	:	
v.	:	CIVIL ACTION NO. 04-20347
<u>WYETH, et al.</u>	:	
PATRICIA CONNER	:	
v.	:	CIVIL ACTION NO. 04-20372
<u>WYETH, et al.</u>	:	
ELIZABETH A. COOTS	:	
v.	:	CIVIL ACTION NO. 03-20398
<u>WYETH, et al.</u>	:	
VIRGINIA COUDRAIN	:	
v.	:	CIVIL ACTION NO. 04-20346
<u>WYETH, et al.</u>	:	
DEBRA DAVIS	:	
v.	:	CIVIL ACTION NO. 04-20360
<u>WYETH, et al.</u>	:	
LINDA M. DAVIS	:	
v.	:	CIVIL ACTION NO. 04-20344
<u>WYETH, et al.</u>	:	
MERRIBETH J. DEATON	:	
v.	:	CIVIL ACTION NO. 04-20286
<u>WYETH, et al.</u>	:	
PHYLLIS DELL	:	
v.	:	CIVIL ACTION NO. 04-20636
<u>WYETH, et al.</u>	:	
HUBERT JOSEPH DIES	:	
v.	:	CIVIL ACTION NO. 04-20368
<u>WYETH, et al.</u>	:	
GAIL DINJAR	:	
v.	:	CIVIL ACTION NO. 04-20506
<u>WYETH, et al.</u>	:	
JAMIE DODD	:	
v.	:	CIVIL ACTION NO. 04-20436
<u>WYETH, et al.</u>	:	
KATHIE J. DORSEY	:	
v.	:	CIVIL ACTION NO. 04-20522
<u>WYETH, et al.</u>	:	
MARIE DUDLEY	:	
v.	:	CIVIL ACTION NO. 03-20349
<u>WYETH, et al.</u>	:	

DELORES ELLIS	:	
v.	:	CIVIL ACTION NO. 04-20335
<u>WYETH, et al.</u>	:	
LINDA C. FISHER-PARROTT	:	
v.	:	CIVIL ACTION NO. 04-20681
<u>WYETH, et al.</u>	:	
STEPHANIE FLORES	:	
v.	:	CIVIL ACTION NO. 04-20323
<u>WYETH, et al.</u>	:	
JO ANN GALAVIZ	:	
v.	:	CIVIL ACTION NO. 04-20387
<u>WYETH, et al.</u>	:	
BARBARA W. GARNER	:	
v.	:	CIVIL ACTION NO. 04-20375
<u>WYETH, et al.</u>	:	
ADELE R. GIORDANO	:	
v.	:	CIVIL ACTION NO. 03-20412
<u>WYETH, et al.</u>	:	
GWEN GOMEZ	:	
v.	:	CIVIL ACTION NO. 04-20348
<u>WYETH, et al.</u>	:	
LINDA F. GREEN	:	
v.	:	CIVIL ACTION NO. 04-20357
<u>WYETH, et al.</u>	:	
DONNA LOIS GUIDRY	:	
v.	:	CIVIL ACTION NO. 04-20363
<u>WYETH, et al.</u>	:	
MARY L. HAGLUND	:	
v.	:	CIVIL ACTION NO. 03-20402
<u>WYETH, et al.</u>	:	
ORA DONNA HALLUMS	:	
v.	:	CIVIL ACTION NO. 04-20329
<u>WYETH, et al.</u>	:	
DRU HARPER	:	
v.	:	CIVIL ACTION NO. 04-20669
<u>WYETH, et al.</u>	:	
LORRAINE HARRIS	:	
v.	:	CIVIL ACTION NO. 04-20374
<u>WYETH, et al.</u>	:	
ROSELLEN L. HENRICKSEN	:	
v.	:	CIVIL ACTION NO. 04-20622
<u>WYETH, et al.</u>	:	
SHIRLEY ANN HILL	:	
v.	:	CIVIL ACTION NO. 04-20388
<u>WYETH, et al.</u>	:	
MYRTLE HOFFPAUIR	:	
v.	:	CIVIL ACTION NO. 04-20361
<u>WYETH, et al.</u>	:	
TAMMY P. HOLLAND	:	
v.	:	CIVIL ACTION NO. 04-20369
<u>WYETH, et al.</u>	:	

PAMELA M. HOWARD	:	
v.	:	CIVIL ACTION NO. 04-20520
<u>WYETH, et al.</u>	:	
MARIA ESTER HUERTA	:	
v.	:	CIVIL ACTION NO. 03-20396
<u>WYETH, et al.</u>	:	
GRACE F. ISON	:	
v.	:	CIVIL ACTION NO. 04-20519
<u>WYETH, et al.</u>	:	
RITA G. JEAN	:	
v.	:	CIVIL ACTION NO. 03-20413
<u>WYETH, et al.</u>	:	
JOHN LYNN JEFFRIES	:	
v.	:	CIVIL ACTION NO. 04-20641
<u>WYETH, et al.</u>	:	
VAN E. JOHNSON	:	
v.	:	CIVIL ACTION NO. 04-20289
<u>WYETH, et al.</u>	:	
HATTIE KING	:	
v.	:	CIVIL ACTION NO. 04-20638
<u>WYETH, et al.</u>	:	
OPHELIA J. KING	:	
v.	:	CIVIL ACTION NO. 04-20320
<u>WYETH, et al.</u>	:	
SYLVIA KIRBY	:	
v.	:	CIVIL ACTION NO. 04-20324
<u>WYETH, et al.</u>	:	
ELIZABETH ANN KOTZ	:	
v.	:	CIVIL ACTION NO. 04-20343
<u>WYETH, et al.</u>	:	
BETTY ANN KOWIS	:	
v.	:	CIVIL ACTION NO. 04-20277
<u>WYETH, et al.</u>	:	
JOSEPH KOWIS	:	
v.	:	CIVIL ACTION NO. 04-20288
<u>WYETH, et al.</u>	:	
ESTA KRONBERG	:	
v.	:	CIVIL ACTION NO. 04-20427
<u>WYETH, et al.</u>	:	
NANCY KRUGER	:	
v.	:	CIVIL ACTION NO. 04-20423
<u>WYETH, et al.</u>	:	
FRED LAIRD	:	
v.	:	CIVIL ACTION NO. 04-20640
<u>WYETH, et al.</u>	:	
BARBARA LANDON	:	
v.	:	CIVIL ACTION NO. 04-20509
<u>WYETH, et al.</u>	:	
BARBARA LANHAM	:	
v.	:	CIVIL ACTION NO. 04-20629
<u>WYETH, et al.</u>	:	

ELIZABETH LASKOSKIE	:	
v.	:	CIVIL ACTION NO. 04-20626
<u>WYETH, et al.</u>	:	
LINDA LEBOEUF	:	
v.	:	CIVIL ACTION NO. 04-20338
<u>WYETH, et al.</u>	:	
CYNTHIA J. LEE	:	
v.	:	CIVIL ACTION NO. 03-20538
<u>WYETH, et al.</u>	:	
ANGELA LIVING	:	
v.	:	CIVIL ACTION NO. 04-20516
<u>WYETH, et al.</u>	:	
NANCY LOREN	:	
v.	:	CIVIL ACTION NO. 04-20507
<u>WYETH, et al.</u>	:	
GEORGIA L. LOUVIERE	:	
v.	:	CIVIL ACTION NO. 04-20326
<u>WYETH, et al.</u>	:	
SANDRA LYONS-MENEFEE	:	
v.	:	CIVIL ACTION NO. 04-20511
<u>WYETH, et al.</u>	:	
BONNIE B. MACFARLAND	:	
v.	:	CIVIL ACTION NO. 04-20679
<u>WYETH, et al.</u>	:	
ELLA M. MALBROUX	:	
v.	:	CIVIL ACTION NO. 04-20425
<u>WYETH, et al.</u>	:	
DONNA K. MARCEAU	:	
v.	:	CIVIL ACTION NO. 04-20503
<u>WYETH, et al.</u>	:	
LINDA MARTINEZ	:	
v.	:	CIVIL ACTION NO. 04-20524
<u>WYETH, et al.</u>	:	
RUTH MASSEY	:	
v.	:	CIVIL ACTION NO. 04-20517
<u>WYETH, et al.</u>	:	
DELISIA MATTHEWS	:	
v.	:	CIVIL ACTION NO. 04-20328
<u>WYETH, et al.</u>	:	
OLLIE MATTHEWS	:	
v.	:	CIVIL ACTION NO. 04-20630
<u>WYETH, et al.</u>	:	
LEE ANN MAYER	:	
v.	:	CIVIL ACTION NO. 04-20415
<u>WYETH, et al.</u>	:	
CARRIE MCDONALD	:	
v.	:	CIVIL ACTION NO. 04-20648
<u>WYETH, et al.</u>	:	
CINDY MITCHELL	:	
v.	:	CIVIL ACTION NO. 04-21607
<u>WYETH, et al.</u>	:	

RITA MOLINA	:	
v.	:	CIVIL ACTION NO. 04-20625
<u>WYETH, et al.</u>	:	
PAUL MOORE	:	
v.	:	CIVIL ACTION NO. 04-20642
<u>WYETH, et al.</u>	:	
CINDI NELSON	:	
v.	:	CIVIL ACTION NO. 03-20348
<u>WYETH, et al.</u>	:	
MADGE NICHOLS	:	
v.	:	CIVIL ACTION NO. 04-20341
<u>WYETH, et al.</u>	:	
DIANE NORMAN	:	
v.	:	CIVIL ACTION NO. 04-20432
<u>WYETH, et al.</u>	:	
EVA N. OLLIFF	:	
v.	:	CIVIL ACTION NO. 04-20365
<u>WYETH, et al.</u>	:	
EVELYN MARY ORR	:	
v.	:	CIVIL ACTION NO. 04-20688
<u>WYETH, et al.</u>	:	
GERALDINE M. PATTERSON	:	
v.	:	CIVIL ACTION NO. 04-20501
<u>WYETH, et al.</u>	:	
ELIZABETH JAN PERRY	:	
v.	:	CIVIL ACTION NO. 04-20428
<u>WYETH, et al.</u>	:	
NELMA PETITT	:	
v.	:	CIVIL ACTION NO. 04-20523
<u>WYETH, et al.</u>	:	
MARIA E. PETTIS	:	
v.	:	CIVIL ACTION NO. 04-20283
<u>WYETH, et al.</u>	:	
BEVERLY PHILLIPS	:	
v.	:	CIVIL ACTION NO. 04-20621
<u>WYETH, et al.</u>	:	
DEBRA PHILLIPS	:	
v.	:	CIVIL ACTION NO. 04-20362
<u>WYETH, et al.</u>	:	
IONA G. POWELL	:	
v.	:	CIVIL ACTION NO. 04-20670
<u>WYETH, et al.</u>	:	
BARBARA J. PROCTOR	:	
v.	:	CIVIL ACTION NO. 04-20334
<u>WYETH, et al.</u>	:	
BARBARA PRYOR	:	
v.	:	CIVIL ACTION NO. 04-20650
<u>WYETH, et al.</u>	:	
EMMA REED	:	
v.	:	CIVIL ACTION NO. 04-20683
<u>WYETH, et al.</u>	:	

REBECCA HALL RILEY	:	
v.	:	CIVIL ACTION NO. 04-20521
<u>WYETH, et al.</u>	:	
PAMELA S. ROMERO	:	
v.	:	CIVIL ACTION NO. 04-20336
<u>WYETH, et al.</u>	:	
LESLIE ROTH	:	
v.	:	CIVIL ACTION NO. 03-20352
<u>WYETH, et al.</u>	:	
KAREN RUBENDALL	:	
v.	:	CIVIL ACTION NO. 04-20526
<u>WYETH, et al.</u>	:	
VICKIE RUSSELL	:	
v.	:	CIVIL ACTION NO. 04-20430
<u>WYETH, et al.</u>	:	
BEVERLY SARVER	:	
v.	:	CIVIL ACTION NO. 04-20321
<u>WYETH, et al.</u>	:	
RONALD J. SCHLAHT	:	
v.	:	CIVIL ACTION NO. 04-20418
<u>WYETH, et al.</u>	:	
BEVERLY SCOTT	:	
v.	:	CIVIL ACTION NO. 04-20424
<u>WYETH, et al.</u>	:	
SHERIDAN W. SCOTT	:	
v.	:	CIVIL ACTION NO. 04-20502
<u>WYETH, et al.</u>	:	
MARSHA SEABOURNE	:	
v.	:	CIVIL ACTION NO. 03-20346
<u>WYETH, et al.</u>	:	
PATRICIA SEAMAN	:	
v.	:	CIVIL ACTION NO. 04-20644
<u>WYETH, et al.</u>	:	
JOE LARRY SEDBERRY	:	
v.	:	CIVIL ACTION NO. 04-20422
<u>WYETH, et al.</u>	:	
MARY JANE SEKITO	:	
v.	:	CIVIL ACTION NO. 03-20408
<u>WYETH, et al.</u>	:	
WAYNEL SEXTON	:	
v.	:	CIVIL ACTION NO. 04-20497
<u>WYETH, et al.</u>	:	
GLORIA SHEFFIELD	:	
v.	:	CIVIL ACTION NO. 04-20623
<u>WYETH, et al.</u>	:	
SHERLYN SHOTWELL	:	
v.	:	CIVIL ACTION NO. 04-20649
<u>WYETH, et al.</u>	:	
DOROTHY P. SMITH	:	
v.	:	CIVIL ACTION NO. 04-20325
<u>WYETH, et al.</u>	:	

MELINDA SMITH	:	
v.	:	CIVIL ACTION NO. 04-20340
<u>WYETH, et al.</u>	:	
JOANN SOWELL	:	
v.	:	CIVIL ACTION NO. 04-20376
<u>WYETH, et al.</u>	:	
SHIRLEY R. SPAIN	:	
v.	:	CIVIL ACTION NO. 04-20667
<u>WYETH, et al.</u>	:	
MARY ANN SPARKS	:	
v.	:	CIVIL ACTION NO. 04-20359
<u>WYETH, et al.</u>	:	
MARY SPEARS	:	
v.	:	CIVIL ACTION NO. 04-20345
<u>WYETH, et al.</u>	:	
LINDA D. SPRIGGINS	:	
v.	:	CIVIL ACTION NO. 04-20508
<u>WYETH, et al.</u>	:	
DEVA STAHL	:	
v.	:	CIVIL ACTION NO. 04-20676
<u>WYETH, et al.</u>	:	
BARBARA JO STEVENS	:	
v.	:	CIVIL ACTION NO. 04-20342
<u>WYETH, et al.</u>	:	
MARY L. STINEBRICKNER	:	
v.	:	CIVIL ACTION NO. 04-20383
<u>WYETH, et al.</u>	:	
LAUREN STRICKLAND	:	
v.	:	CIVIL ACTION NO. 04-20525
<u>WYETH, et al.</u>	:	
LILLIE TAVEL	:	
v.	:	CIVIL ACTION NO. 04-20439
<u>WYETH, et al.</u>	:	
FRANCES TERRY	:	
v.	:	CIVIL ACTION NO. 04-20672
<u>WYETH, et al.</u>	:	
MARIA L. THORNTON	:	
v.	:	CIVIL ACTION NO. 04-20498
<u>WYETH, et al.</u>	:	
HARRY W. THROWER	:	
v.	:	CIVIL ACTION NO. 04-20442
<u>WYETH, et al.</u>	:	
GARY TIMS	:	
v.	:	CIVIL ACTION NO. 04-20685
<u>WYETH, et al.</u>	:	
MARY IRENE TORRES	:	
v.	:	CIVIL ACTION NO. 04-20284
<u>WYETH, et al.</u>	:	
MARY ELIZABETH TREADWAY	:	
v.	:	CIVIL ACTION NO. 04-20330
<u>WYETH, et al.</u>	:	

JULIANNE MARCY TUTT	:	
v.	:	CIVIL ACTION NO. 04-20381
<u>WYETH, et al.</u>	:	
KELLY TYMON	:	
v.	:	CIVIL ACTION NO. 04-20279
<u>WYETH, et al.</u>	:	
VIRGINIA UPPENCAMP	:	
v.	:	CIVIL ACTION NO. 04-20668
<u>WYETH, et al.</u>	:	
LAURIE VATER	:	
v.	:	CIVIL ACTION NO. 04-20420
<u>WYETH, et al.</u>	:	
CLARE B. WALKER	:	
v.	:	CIVIL ACTION NO. 04-20437
<u>WYETH, et al.</u>	:	
MARVIN E. WALKER	:	
v.	:	CIVIL ACTION NO. 04-20419
<u>WYETH, et al.</u>	:	
ANNA BELLE WASHINGTON	:	
v.	:	CIVIL ACTION NO. 04-20364
<u>WYETH, et al.</u>	:	
ALAN L. WATERS	:	
v.	:	CIVIL ACTION NO. 04-20417
<u>WYETH, et al.</u>	:	
SUSAN C. WEDGEWORTH	:	
v.	:	CIVIL ACTION NO. 04-20282
<u>WYETH, et al.</u>	:	
FRANCES H. WESTMORELAND	:	
v.	:	CIVIL ACTION NO. 04-20373
<u>WYETH, et al.</u>	:	
BETTYE J. WHARTON-MIMS	:	
v.	:	CIVIL ACTION NO. 04-20441
<u>WYETH, et al.</u>	:	
ELIZABETH WHITE	:	
v.	:	CIVIL ACTION NO. 04-20285
<u>WYETH, et al.</u>	:	
DEBRA N. WILLIAMS	:	
v.	:	CIVIL ACTION NO. 04-20384
<u>WYETH, et al.</u>	:	
PATRICIA A. WILLIS	:	
v.	:	CIVIL ACTION NO. 04-20512
<u>WYETH, et al.</u>	:	
REBECCA WILSON	:	
v.	:	CIVIL ACTION NO. 04-20426
<u>WYETH, et al.</u>	:	
PATSY G. WOODROM	:	
v.	:	CIVIL ACTION NO. 04-20351
<u>WYETH, et al.</u>	:	
MARGARET E. WOODSON	:	
v.	:	CIVIL ACTION NO. 04-20633
<u>WYETH, et al.</u>	:	

BARBARA YEATES	:	
v.	:	CIVIL ACTION NO. 04-20637
WYETH, et al.	:	
REBEKAH YOUNG	:	
v.	:	CIVIL ACTION NO. 04-20367
WYETH, et al.	:	
CYNTHIA ZARCO	:	
v.	:	CIVIL ACTION NO. 04-20634
WYETH, et al.	:	

PRETRIAL ORDER NO.

AND NOW, this day of July, 2004, it is hereby
ORDERED that:

(1) the motions of plaintiffs to remand in the 154
above-captioned actions are DENIED;

(2) all defendants in the 154 above-captioned actions
except Wyeth, Wyeth Pharmaceuticals, Inc., and A.H. Robins
Company, Inc. are DISMISSED; and

(3) the motions of defendant Jay C. Proctor to dismiss
are DENIED as moot in the following actions: Blanchard v. Wyeth,
et al., CIV.A. No. 04-20382 (E.D. Pa.); Bryant v. Wyeth, et al.
CIV.A. No. 04-20370 (E.D. Pa.); Coudrain v. Wyeth, et al., CIV.A.
No. 04-20346 (E.D. Pa.); and Hoffpauir v. Wyeth, et al., CIV.A.
No. 04-20361 (E.D. Pa).

The 154 complaints were originally filed by Texas
citizens in the Texas state courts in or after May, 2003, more
than five years after the diet drugs Pondimin and Redux were
withdrawn from the market in September, 1997. The defendants
include Wyeth, the manufacturer of these diet drugs, as well as

prescribing physicians, pharmacies, phentermine manufacturers, Wyeth's managerial employees Clayton Lacy and Frank Bedrick, and sales representatives of Wyeth and of a co-promoter, Interneuron, now known as Indevus. Some of the defendants, including Wyeth and its related companies, are of diverse citizenship while others are not. There are no federal claims. Wyeth timely removed the actions to the appropriate federal district courts in Texas. All of these cases were then transferred to this court as part of MDL 1203.

For the reasons set forth in Memorandum and Pretrial Order No. 3666 in Accadia, et al. v. Wyeth, et al., CIV.A. No. 03-20546 (E.D. Pa. June 29, 2004), we find and conclude that all defendants except Wyeth and its related companies are fraudulently joined to avoid federal subject matter jurisdiction. Accordingly, we are denying the motions to remand.

BY THE COURT:

J.